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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/047,784

01/14/2002

Kevin S. Barker

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04/03/2006

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EXAMINER

RUTTEN, JAMES D

ART UNIT

PAPER NUMBER

2192

DATE MAILED: 04/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	Application No. 10/047,784	Applicant(s) BARKER ET AL.	
	Examiner J. Derek Rutten	Art Unit 2192	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 21 January 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: 1,2,4-9,11-16 and 18-28.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
 12. ☒ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). 1/17/06 and 1/21/06
 13. ☒ Other: Note the attached "Notice of References Cited" (PTO-892).

Continuation of 11. does NOT place the application in condition for allowance because:

On pages 10 and 11 of the response, Applicants suggest that the claims were not properly rejected under 35 U.S.C. § 112, 1st paragraph, that there is no basis for the rejection, and the rejection should be withdrawn. As pointed out by the Applicants, while a rejection under 35 U.S.C. § 112, 1st paragraph was suggested in the Final Rejection dated 11/17/05, the rejection was never formally made. Thus, the arguments on pages 10-11 are moot.

On page 12, Applicants address issues surrounding the 2/28/05 IDS and presents an updated IDS (1/17/06) to correct the deficiencies of the prior IDS. New citations of US Patent documents have been considered. Applicants suggest that page 72 of the 2/28/05 reference AQ is not "illegible". However, further review of the reference shows that this page is indeed quite illegible. The 1/17/06 IDS contains another copy of this reference with another page 72, which is likewise illegible. Regardless of the source of the document, it does not comply with the requirements of 37 CFR 1.98(a)(2) and cannot be considered. However, a complete and legible copy of Applicant's document has been located via the Internet. This copy is being submitted with a PTO-892 "Notice of References Cited" form and as such has been considered.

On pages 14 and 15, Applicants essentially argue that the Sun WBEM reference does not disclose retrieval of instance element identifiers. However, this limitation was addressed in the Final action on page 7 and can be found in Sun WBEM at the bottom of page 36. Further, the originally filed specification does not appear to expressly provide a definition for an "element identifier". Thus, this argument is not convincing.

On pages 15-16, Applicants essentially argue that "Sun WBEM does not provide any National Language Support (NLS) as taught and claimed by Applicants." However, it is noted that the features upon which applicant relies (i.e. "NLS") are not recited in the rejected claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

On page 17, Applicants essentially argue that the Tett reference does not teach "replacing a name retrieved from a management data definition with a qualified value." However, the claim simply calls for "replacing the retrieved name with the qualifier value prior to the displaying". As addressed in the Final Office Action, Sun WBEM discloses the elements of a "retrieved name" and a "qualifier value". It does not disclose replacing one with the other. Tett teaches that retrieved names can be replaced with a value in order to enhance communication. Thus, Applicants' argument is not convincing.

On pages 18 and 19, Applicants essentially argue that the CIM Specification reference does not teach "non-propagated keys". However, this reference was not relied upon for this teaching. As addressed in the Final Office Action on page 12, the CIM Mapping reference teaches this limitation at the top of page 7. Thus, Applicants' argument is not convincing.

On page 20 with regard to claims 4, 11, and 18, Applicants essentially argue that Tett does not teach "replacing a name retrieved from a management data definition with a qualifier value." However, this argument appears to be directed to limitations found in claims 1, 8, and 15, respectively. As suggested above, Tett is not relied upon for teaching the management data definition or a qualifier value, but is relied upon to teach replacing a name with a value. Applicants' further argue that Tett does not teach "retrieving". However, this limitation is disclosed by Sun WBEM as addressed on page 6 of the Final Office Action. Thus, Applicants' argument is not convincing.

On page 21, Applicants essentially argue that Tett does not teach a "pre-defined display name". However, Applicant acknowledges that Tett teaches the use of a custom dictionary. The dictionary can be interpreted as providing pre-defined display names. Thus, Applicants' argument is not convincing.

On page 22, Applicants essentially argue that there is no motivation to combine Sun WBEM with Tett, and that the rejections made with the references were based upon hindsight reasoning. These arguments are not convincing for the same reasons set forth on pages 3 and 4 in the Final Office Action.

Claims 1, 2, 4-9, 11-16, and 18-28 remain rejected as addressed in the 11/17/2005 Final Office Action.



ANTONY NGUYEN-BA
PRIMARY EXAMINER